

Chevy Chase Village Board of Managers

March 12, 2012

Draft

Note: These draft minutes reflect the Board's actions only, and do not include testimony given by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance. An audio recording of this meeting is available on the Village website at www.chevychasevillagemd.gov.

BOARD OF MANAGERS

| | |
|------------------------------------|---------|
| Patricia S. Baptiste, Chair | Present |
| Peter T. Kilborn, Vice Chair | Present |
| Allison W. Shuren, Secretary | Present |
| Richard Ruda, Assistant Secretary | Present |
| Lawrence C. Heilman, Treasurer | Present |
| Gary Crockett, Assistant Treasurer | Present |
| David L. Winstead, Board Member | Present |

STAFF

| | |
|--|---------|
| Shana R. Davis-Cook, Village Manager | Present |
| John Fitzgerald, Police Chief | Present |
| Michael W. Younes, Director of Municipal Operations | Present |
| Demetri Protos, Finance Director | Present |
| Ellen Sands, Permitting and Code Enforcement Coordinator | Present |
| Jacqueline A. Parker, Acting Administrative Assistant | Present |

1
2 **LEGAL COUNSEL**

3 David R. Podolsky, Village Counsel

Present

4
5 Ms. Patricia S. Baptiste, Chair of the Chevy Chase Village Board of Managers, called the
6 meeting to order at 7:35 p.m.

7
8 **Approval of Minutes from the Board's February 13, 2012 Regular Meeting**

9 Action to approve the minutes of the Board's regular meeting held on Monday, February 13,
10 2012. Ms. Baptiste requested the following amendment to the draft minutes:

- 11
12 • Page 5, line 20: Delete "adoption of" and insert "to take action on"

13
14 *Mr. Crockett moved to approve the minutes from the Board of Managers' regular meeting held*
15 *on February 13, 2012, as amended.* Dr. Heilman seconded the motion. Ms. Baptiste, Mr.
16 Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of
17 the motion. The motion passed.

18
19 **Approval of Minutes from the Board's February 16, 2012 Executive Session**

20 Action to approve the minutes of the Board's Executive Session held on Thursday, February 16,
21 2012.

1 *Mr. Crockett moved to approve the minutes from the Board of Managers' Executive Session held*
2 *on February 16, 2012, as drafted.* Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Kilborn,
3 Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of the
4 motion. The motion passed.

5
6 **Approval of Minutes from the Board's February 16, 2012 Budget Work Session**

7 Action to approve the minutes of the Board's Budget Work Session held on Thursday, February
8 16, 2012.

9
10 *Mr. Crockett moved to approve the minutes from the Board of Managers' Work Session held on*
11 *February 16, 2012, as drafted.* Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms.
12 Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett, and Mr. Winstead voted in favor of the motion.
13 The motion passed.

14
15 **Introduction of New Listserv Moderator**

16 Mr. Kilborn introduced Mr. Timothy Slagle of 5500 Kirkside Drive as the new moderator of the
17 Chevy Chase Village Listserv.

18
19 **Appeals**

20 **Continuation of A-6083 Retroactive Special Permit Request: Mr. and Mrs. Stefan**

21 **Demmerle, 5501 Kirkside Drive** Maintain an external air conditioning unit that was installed in
22 the south (front) Western Avenue yard and which encroaches three feet, one inch (3'-1") forward
23 of the front building restriction line.

1
2 *Mr. Ruda moved to direct staff to draft a decision approving the request to maintain an external*
3 *air conditioning unit that was installed in the south (front) Western Avenue yard and which*
4 *encroaches three feet, one inch (3'-1") forward of the front building restriction line* Mr. Kilborn
5 seconded the motion. Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr.
6 Winstead voted in favor of the motion. Ms. Baptiste voted against the motion. The motion
7 passed.

8
9 **A-6093 Retroactive Special Permit Request: Mr. and Mrs. Robert Maruszewski, 127**
10 **Grafton Street.** Maintain a recently relocated lamp post alongside the front walkway in the
11 Grafton Street public right-of-way. The lamp post is located ten (10) feet from the public
12 sidewalk.

13
14 *Mr. Kilborn moved to direct staff to draft a decision approving the request to maintain a recently*
15 *relocated lamp post alongside the front walkway in the Grafton Street public right-of-way. The*
16 *lamp post is located ten (10) feet from the public sidewalk.* Mr. Crockett seconded the motion.
17 Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead
18 voted in favor of the motion. The motion passed.

19
20 **A-6094 Variance Request: Mr. and Mrs. D. Blake Bath, 7 Hesketh Street.** Widen and
21 reconstruct the steps leading to the front porch by adding sidewalls and one tread. The
22 reconstructed steps would extend a maximum of five feet, four inches (5'-4") forward of the
23 twenty-five foot front building restriction line.

1
2 *Mr. Crockett moved to direct staff to draft a decision approving the request to widen and*
3 *reconstruct the steps leading to the front porch by adding sidewalls and one tread. The*
4 *reconstructed steps would extend a maximum of five feet, four inches (5'-4") forward of the*
5 *twenty-five foot front building restriction line. Mr. Ruda seconded the motion. Ms. Baptiste,*
6 *Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor*
7 *of the motion. The motion passed.*

8 9 **Treasurer's Report**

10 The Treasurer's report was distributed to the Board prior to the meeting. No action was taken by
11 the Board.

12 13 **Police Report**

14 The Police Report was circulated prior to the meeting. No action was taken by the Board.

15 16 **Legal Counsel Report**

17 The Legal Counsel Report was distributed prior to the meeting. No action was taken by the
18 Board.

19 20 **Committee & Commission Reports**

21 **Committee & Commission Appointments**

22 A slate of residents seeking appointment to the Public Safety, Public Works and Tree
23 Committees was circulated to the Board prior to the meeting. Included were the names of two

1 residents who had expressed an interest in filling available seats, one each on the Elections
2 Committee and Ethics Commission. Ms. Davis-Cook advised that since circulation of the
3 committee slate, Thomas and Kristina Schendt of 17 Grafton Street had submitted their names to
4 remain on the Tree Committee. The Board accepted the inclusion of Mr. and Mrs. Schendt on
5 the Tree Committee.

6
7 *Mr. Kilborn moved approval of the following membership slate:*

8 *Elections Committee, member*

9 *Irwin Pernick, 128 Hesketh Street (due to term expiration of same)*

10
11 *Ethics Commission, member*

12 *Frank (Scot) McCulloch, 5604 Kirkside Drive*

13 *(due to term expiration of Richard Leach, 26 West Kirke Street)*

14
15 *Public Safety Committee*

16 ***Saul B. Goodman, Chair***

17 *James E. Anderson, 126 Grafton Street*

18 *Margot Anderson, 1 West Irving Street*

19 *Oliver Davidson, 3915 Oliver Street*

20 *Kay Efron, 108 Oxford Street*

21 *Betty O'Connor, 137 Grafton Street*

22 *Irwin Pernick, 128 Hesketh Street*

23 *Lisa Sanders, 5700 Cedar Parkway*

- 1 *John Talbott, 5906 Cedar Parkway*
- 2
- 3 *Public Works Committee*
- 4 ***Thomas H. Jackson, co-Chair, 205 Primrose Street***
- 5 ***James Vassilikos, co-Chair, 6020 Western Avenue***
- 6 *Margot W. Anderson, 1 West Irving Street*
- 7 *Marilyn Bracken, Ph.D, 5 Magnolia Parkway*
- 8 *Dr. Mark Eig, 34 West Kirke Street*
- 9 *Susie Eig, 34 West Kirke Street*
- 10 *Herbert Geller, 5617 Grove Street*
- 11 *Marea E. Grant, Ph.D (Hatzios), 16 West Irving Street*
- 12 *George Kinter, 121 Hesketh Street*
- 13 *Bliss Ryan, 5414 Grove Street*
- 14
- 15 *Tree Committee*
- 16 ***Michael Denger, Chair, 5802 Kirkside Drive***
- 17 *Nina Bang-Jensen, 4029 Oliver Street*
- 18 *Jorie Jurgens, 4014 Oliver Street*
- 19 *Samuel Lawrence, 100 East Lenox Street*
- 20 *Elissa Leonard, 37 West Lenox Street*
- 21 *Bliss Ryan, 5414 Grove Street*
- 22 *Ralph Stephens, 11 Magnolia Parkway*
- 23 *Thomas Schendt, 17 Grafton Street*

1 *Kristina Schendt, 17 Grafton Street*

2 Dr. Heilman seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr.
3 Heilman, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.

4
5 **Board Approval of Committee Scope of Work**

6 Committee Co-Chair Thomas Jackson presented the Public Works Committee's Scope of Work.
7 In addition to the Scope of Work, Dr. Heilman asked the committee to compile an illustrative list
8 of the committee's areas of oversight and interests. Mr. Crockett requested that the list of the
9 committee's areas of oversight be posted to the committee's page on the Village website so that
10 the community understands the committee's focus.

11
12 *The Board unanimously approved the Public Works Committee's Scope of Work, as drafted.*

13
14 **Traffic Committee Report**

15 Committee Chair Porter Wheeler and committee member Jan Acton presented the committee's
16 recommendation seeking Board endorsement for a pedestrian-activated traffic light across
17 Connecticut Avenue at Lenox Street.

18
19 *Mr. Kilborn moved that the Board officially support the Maryland State Highway*
20 *Administration's installation of a pedestrian-activated signal on Connecticut Avenue at Lenox*
21 *Street, and draft a letter to that effect addressed to the Maryland State Delegation (including*
22 *Senator Richard Madaleno and Delegates Al Carr, and sol Gutierrez and Jeff Waldstreicher)*
23 *and copying the Montgomery County Council, to include the points outlined in the Traffic*

1 *Committee's report on this matter.* Mr. Crockett seconded the motion. Ms. Baptiste, Mr.
2 Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of
3 the motion. The motion passed. Ms. Shuren requested that staff post a copy of the final letter on
4 the Village website.

5
6 **Old Business & Status Reports**

7 **Board Action on Resolution No. 01-01-12:** An Ordinance to amend Chapter 17 of the Village
8 Code to expand the circumstances in which a tree may be removed, destroyed or its health
9 substantially impaired upon authorization of the Village Manager and to establish an alternate
10 procedure for obtaining approval from the Board of Managers to remove, destroy or substantially
11 impair the health of a tree on private property protected by Chapter 17 of the Village Code.

12
13 *Mr. Crockett moved approval of Resolution No. 01-01-12, as drafted (version 6; dated*
14 *3/12/2012).* Mr. Ruda seconded the motion. Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda,
15 Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor of the motion. The motion passed.

16
17 Village Counsel was excused for the remainder of the meeting.

18
19 **New Business**

20 **Contract Extension Authorization Request**

21 Contract Extension with *Lindsey & Associates* for independent auditing services.

1 *Dr. Heilman moved approval of the Contract Extension with Lindsey & Associates for*
2 *independent auditing services, in the amount of \$11,500. Mr. Crockett seconded the motion.*
3 *Ms. Baptiste, Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead*
4 *voted in favor of the motion. The motion passed.*

6 **Manager's Report**

7 The Manager's Report was circulated prior to the meeting. No action was taken by the Board.

9 **Staff Reports**

10 **Building and Tree Removal Permits and Permitting & Code Enforcement Activity Reports**

11 The Building and Tree Removal Permit and Permitting & Code Enforcement Activity Reports
12 were circulated prior to the meeting. No action was taken by the Board.

14 **Capital and Infrastructure Upgrade Projects Report**

15 The Capital Infrastructure Upgrade Projects Report was circulated prior to the meeting. Ms.
16 Baptiste asked if there were any questions from the Board regarding the sidewalk replacement
17 project or other projects outlined in the report. There were no questions from the Board. No
18 action was taken by the Board.

20 **Village Hall Activity Report**

21 The Village Hall Activity Report was circulated prior to the meeting. No action was taken by the
22 Board.

1 *Mr. Crockett moved to adjourn the meeting.* Mr. Winstead seconded the motion. Ms. Baptiste,
2 Mr. Kilborn, Ms. Shuren, Mr. Ruda, Dr. Heilman, Mr. Crockett and Mr. Winstead voted in favor
3 of the motion. The motion passed. The meeting adjourned at 9:12 p.m.

4
5
6
7 _____
Secretary, Chevy Chase Village Board of Managers

8 *Draft: Reviewed by MWY, SD-C 3/15/2012, DRP – 3/16/2012*